(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1854 of 2007

PETITIONER : Tej Ram Verma S/o Shri Kripa Ram Verma, aged about 27 years, resident of Village Padakidih, Block and Tahsil Simga, District Raipur (CG)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through the Secretary Panchayat and Social Welfare Department, D.K.S. Bhawan, Raipur (CG)
2. The Additional Collector, Baloda Bazar, District Raipur (CG)
3. The Sub Divisional Officer ®, Bhatapara, District Raipur (CG).
4. Gram Panchayat Padkidih, Block and Tahsil Simga, District Raipur (CG), through its Sarpanch, Gram Panchayat Padkidih, Block and Tahsil Simga, District Raipur (CG)
5. Secretary, Gram Panchayat Padkidih, Block and Tahsil Simga, District Raipur (CG).
6. Sewa Ram Dhruv S/o Anup Singh Dhruv, resident of Village Padkidih, Block and Tahsil Simga, District Raipur (C.G.).)

(43)

Present: Smt. Renu Kochar, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State/respondent No. 1 to 3.

ORDER
(Passed on 29th of March, 2007)

1. Learned counsel appearing for the petitioner questions the validity and legality of the resolution dated 16.01.2007 (Annexure P/1) whereunder, according to the learned counsel, the respondent no. 6, Sewa Ram Dhruv has been selected for appointment on the post of Panchayat Karmi in Gram Panchayat Padkidih, Block and Tahsil Simga, District Raipur, without formal appointment order to give effect to the resolution.

2. The resolution can not be given effect to before passing the order of appointment in favour of any person. Accordingly, the resolution does not confer any right on the person who has been selected by the resolution before any final appointment order is passed. This Court, in the matter of Bhola Ram Verma Vs. State of Chhattisgarh & Others, W.P. No. 3772/2007, decided on 23rd March, 2007 has held as under:

> "It is trite that the resolution or a decision in a meeting is not the order which can be given effect to. There should be a proper order pursuant to the resolution for appointment to the post of Panchayat Karmi. The Panchayat & Rural Development

(44)

Department, Government of Chhattisgarh, vide its circular No. कमांक/पंचा./पंग्राविवि/2006/230 रायपुर दिनांक 16.03.2006 has clarified that after resolution of Gram Panchayat and Gram Sabha to appoint Panchayat Karmi, the Sarpanch has to pass an appropriate appointment order for appointment of Panchayat Karmi. It is further stated that in case of removal from the post of Panchayat Karmi also, after resolution of Gram Sabha, the order of removal is to be passed by the Gram Panchayat. Thus, it is clear that no appointment can be given without issuing proper appointment order."

3. Thus, this petition is premature as no final order giving effect to the resolution has been passed.

4. This petition is accordingly dismissed, summarily. No order as to costs.

5. Consequently, I.A. No. 1, application for grant of interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Amit